

WEINSTEIN COUTURE PLLC  
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Counsel for Plaintiff

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

IN RE BARD IVC FILTERS PRODUCTS  
LIABILITY LITIGATION

NO. 2:15-MD-02641-DGC

This Document Relates to:  
2:16-cv-3567-PHX-DCG

*AMENDED* SECOND AMENDED  
MASTER SHORT FORM  
COMPLAINT FOR DAMAGES  
FOR INDIVIDUAL CLAIMS AND  
DEMAND FOR JURY TRIAL

Plaintiff(s) named below, for their Complaint against Defendants named below, incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364). Plaintiff(s) further show the Court as follows:

1. Plaintiff/Deceased Party:

Alexandra Elizabeth Rourke

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of consortium claim:

Not Applicable

1 3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,  
2 conservator):

3 Not Applicable

4 4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of  
5 residence at the time of implant:

6 Washington

7  
8 5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of  
9 residence at the time of injury:

10 Washington

11  
12 6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

13 Washington

14 7. District Court and Division in which venue would be proper  
15 absent direct filing:

16 Western District of Washington

17  
18 8. Defendants (check Defendants against whom Complaint is made):

19 ☒ C. R. Bard Inc.

20 ☒ Bard Peripheral Vascular, Inc.

21 9. Basis of Jurisdiction:

22 ☒ Diversity of Citizenship

23 ☐ Other: \_\_\_\_\_

1 a. Other allegations of jurisdiction and venue not expressed in Master  
2 Complaint:

3 \_\_\_\_\_  
4 \_\_\_\_\_

5  
6 10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a  
7 claim (Check applicable Inferior Vena Cava Filter(s)):

8 ☐ Recovery<sup>®</sup> Vena Cava Filter

9 ☐ G2<sup>®</sup> Vena Cava Filter

10 ☐ G2<sup>®</sup> Express Vena Cava Filter

11 ☐ G2<sup>®</sup> X Vena Cava Filter

12 ☒ Eclipse<sup>®</sup> Vena Cava Filter

13 ☐ Meridian<sup>®</sup> Vena Cava Filter

14 ☐ Denali<sup>®</sup> Vena Cava Filter

15 ☐ Other: \_\_\_\_\_

16  
17 11. Date of Implantation as to each product:

18 June 1, 2011

19 12. Counts in the Master Complaint brought by Plaintiff(s):

20 ☒ Count I: Strict Products Liability – Manufacturing Defect

21 ☒ Count II: Strict Products Liability – Information Defect (Failure  
22 to Warn)

23 ☒ Count III: Strict Products Liability – Design Defect

- ☒ Count IV: Negligence - Design
- ☒ Count V: Negligence - Manufacture
- ☒ Count VI: Negligence – Failure to Recall/Retrofit
- ☒ Count VII: Negligence – Failure to Warn
- ☒ Count VIII: Negligent Misrepresentation
- ☒ Count IX: Negligence *Per Se*
- ☒ Count X: Breach of Express Warranty
- ☒ Count XI: Breach of Implied Warranty
- ☒ Count XII: Fraudulent Misrepresentation
- ☒ Count XII: Fraudulent Concealment
- ☒ Count XIV: Violations of Applicable Washington State Law  
Prohibiting Consumer Fraud and Unfair and Deceptive  
Trade Practices
- ☐ Count XV: Loss of Consortium
- ☐ Count XVI: Wrongful Death
- ☐ Count XVII: Survival
- ☐ Punitive Damages
- ☐ Other(s): \_\_\_\_\_ (please state the facts  
supporting this count in the space immediately below)

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1           13. Jury Trial demanded for all issues to triable?

2                   ☒ Yes

3                   ☐ No

4                   RESPECTFULLY SUBMITTED this 15<sup>th</sup> day of November, 2016.

5                                   WEINSTEIN COUTURE PLLC

6                                   By: s/ Brian D. Weinstein

7                                   Brian D. Weinstein, WSBA No. 24497

8                                   Admitted Pro Hac Vice

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13                                  Counsel for Plaintiff

14                                   **CERTIFICATE OF SERVICE**

15                   I hereby certify that on November 15, 2016, I electronically transmitted the  
16                   attached document to the Clerk's Office using the CM/ECF System for filing and  
17                   transmittal of a Notice of Electronic Filing.

18                                   /s/ Alyssa Stout

19                                   Alyssa Stout

20                                   Legal Assistant